

3:25-mj-00066

DISTRICT OF OREGON: ss,

AFFIDAVIT OF ALEXANDER LAUB

Affidavit in Support of a Criminal Complaint

I, Alexander Laub, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been since October 2020. As a Special Agent of the DEA, my duties and responsibilities have included conducting criminal investigations for possible violations of federal law, particularly those found in Title 18 and Title 21 of the United States Code. I have received specialized training from the DEA, to include a 14-week Basic Agent Training course and other training courses. I have been involved in conducting long-term, international, and complex conspiracy investigations. Prior to my assignment to the Portland District Office, I spent approximately four years as a law enforcement officer with the Crystal Lake Police Department in Illinois. I am familiar with investigations of drug trafficking organizations (hereinafter, “DTOs”), including identifying methods of importation and distribution of controlled substances, and how controlled substances are manufactured, consumed, packaged, marketed, smuggled, and distributed. I am also familiar with various tactics used by DTOs to import drugs into the United States, communicate with members of the DTOs, and arrange for transportation and distribution of drugs.

2. I submit this affidavit in support of a criminal complaint and arrest warrants for **Lenar BANEGAS HERNANDEZ** and **Edwin BANEGAS** for the crimes of possession with intent to distribute controlled substance (including fentanyl - Schedule II controlled substances) in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), (viii). The facts set forth in this affidavit were gained through my personal participation in the investigation as described below; from oral and written reports of other law enforcement officers; and from records, documents and other evidence obtained

during this investigation. I have obtained and read official reports prepared by law enforcement officers participating in this investigation and in other related investigations.

Sources of Information

3. Confidential Source 1 (CS-1) began providing information to DEA Portland in 2023. CS-1's criminal history includes federal immigration violations and a federal drug trafficking charge, which was dismissed so CS-1 could work for the government. CS-1's information has been independently corroborated through several debriefings with investigators and consensually recorded calls. CS-1 has been paid less than \$5,000.00 as part of this investigation. CS-1 has provided reliable information to the DEA that has been independently corroborated and has led to past drug seizures and drug-related arrests, as such, investigators believe CS-1 is a reliable source of information to the extent corroborated.

4. Cooperating Defendant (CD-1) began providing information to DEA Portland in May of 2023 in hopes of receiving favorable consideration on pending State of Oregon charges of schedule II drug distribution and a felon in possession of body armor. CD-1 is signed up as a cooperating defendant with the Oregon City Police Department ("OCPD") and began working for OCPD in May 2023. Prior to becoming a cooperating defendant, CD-1 was charged with multiple parole violations, giving false information to law enforcement, and has been charged with felony unlawful methamphetamine distribution. CD-1 provided information to receive a benefit in terms of a reduction at sentencing for criminal charges and/or at probation/parole violation hearings because of CD-1's assistance to law enforcement on this and other investigations, but CD-1 was made aware that there were no promises or that a reduction would occur. CD-1 has since been sentenced on these charges. CD-1's information has been independently corroborated through several debriefings with investigators and consensually recorded calls. Based on that corroboration, investigators believe the information CD-1 has provided is reliable and credible.

Investigation

5. In May of 2024, DEA Portland began investigating the “Chapo” Drug trafficking organization (“DTO”) operating within the District of Oregon and elsewhere, based on information received from CD-1. Investigators would later identify **Lenar BANEGAS HERNANDEZ (HERNANDEZ)** and **Edwin BANEGAS (BANEGAS)** as members of the DTO.

January 14, 2025, UC Conducts Controlled Purchase

6. On January 13, 2025, the UC requested to purchase 1.5 ounces of fentanyl powder from Chapo for the following day January 14, 2025, using Subject Phone-8363. Chapo advised that his workers normally start working at 6:30 p.m., but later agreed to a deal earlier in the day and told the UC *"I'll send you the address and they'll look at you"*. On January 14, 2025, the UC informed Chapo that he was ready to meet to purchase the 1.5 ounces of fentanyl. Both parties agreed upon a price of \$1500 and Chapo proceeded to send a Google Maps link for a meeting location, near Flavel Park in Portland, Oregon.

7. The UC proceeded to purchase 1.5 ounces of suspected fentanyl powder from an individual later identified as **Edwin Omar BANEGAS**. The suspected fentanyl was sent to the DEA laboratory for additional analysis and safekeeping. After the controlled purchase, the UC received text messages from “Chapo” that advised Chapo and his courier no longer wanted to meet with the UC and believe they were working with the police.

8. Investigators later identified the courier that delivered the fentanyl to the UC as **BANEGAS**. Through toll analysis and WhatsApp profile pictures, DEA investigators later located phone number 503-330-7994 (Subject Phone-7994) as used by **BANEGAS**.

9. On February 5, 2025, District of Oregon Magistrate Judge Youlee Yim You authorized the capture of geo-location information for Subject Phone-7994. On February 6, 2025, investigators observed the geo-location information for Subject Phone-7994 was located at the Del Rancho Motel with an accuracy of 46 feet. Investigators also observed the geo-location information for "Chapo's" Subject Phone-8363 had recently come to Portland after primarily residing in Oakland, CA. The geo-location information for Subject

Phone-8363 was located near the intersection of SE 82nd Ave and SE Flavel, Portland, OR, with an approximate accuracy of 650 meters. This was within the area of the Del Rancho motel, leading investigators to believe the parties were together. Through further surveillance investigators identified a Silver Infiniti SUV with Oregon registration -656LNL (Target Vehicle) as the vehicle being used by **BANEGAS** and **HERNANDEZ**.

February 27, 2025, Investigative Stop and Seizure

10. Investigators reviewed the geo-location information for Subject Phone-7994 and observed, sometimes multiple trips in the same day, to the "Foster Floodplain Natural Area" located at 10602 SE Foster Rd, Portland, Oregon. These trips usually occurred during dusk into the evening hours. Due to the precise accuracy of geo-location information for Subject Phone-7994, investigators observed the phone never traveled deeper down the trail or into the park area and always remain near the entrance to the trailhead/parking lot. Additionally, the geo-location for Subject Phone-7994 would arrive to the area of the trailhead typically between 6:30-7:00 p.m. From information obtained during a previous controlled purchase, investigators believe the nightly trips to the Foster Floodplain were indicative of drug distribution.

11. Beginning at approximately 6:00 p.m., investigators began surveillance in the area of the Motel 6 located at 4512 SE 82nd Ave, Portland, Oregon, due to the geo-location information for Subject Phone-7994 being located there. Investigators then observed a male subject open the doors to a Silver Infiniti SUV (Target Vehicle). Investigators observed two males enter the Target Vehicle and leave the Motel 6 and travel in the direction of the Foster Floodplain Natural Area.

12. Investigators maintained surveillance of the Target Vehicle until the intersection of SE 111th Ave, and SE Foster Ave, Portland, OR. The Target Vehicle proceeded to stop at the intersection and remain for several minutes. Investigators re-located the Target vehicle at the same intersection and observed it turn westbound onto SE Foster Ave. All DEA, Clackamas County, Oregon City and Portland Police Units proceeded to travel with the Target Vehicle as it turned into the parking lot of the Foster Floodplain Natural Area. Investigators activated their emergency overhead lights in their government vehicles. Investigators

wearing "Police"/"DEA" markings ordered the two occupants out of the vehicle. Investigators detained and handcuffed the passenger who was identified as **HERNANDEZ** and seized a cellphone that had fallen from his lap. Investigators detained and handcuffed the driver who was later identified as **BANEGAS**.

13. Once both occupants were removed, a Portland Police Bureau K9 Officer utilized his K9 partner to conduct an exterior sniff of the vehicle. This exterior sniff resulted in a positive alert to the presence of the odor of drugs. Investigators began searching the vehicle and proceeded to locate: a clear plastic bag containing \$10,753 in the passenger side glove box, numerous clear plastic bags containing pressed white powder on the passenger side floorboards (785.3 gross grams); two cellphones near the front passenger seat; a cellphone near the front driver's seat. Investigators also located numerous boxes of sandwich bags, digital scales and batteries that operate said scale. The pressed white powder tested presumptively positive for fentanyl.

Conclusion

14. Based on the foregoing, I have probable cause to believe, and I do believe, that **Lenar BANEGAS HERNANDEZ** and **Edwin BANEGAS** has committed the crimes of possession with intent to distribute, including fentanyl— in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi)(viii). I therefore request that the Court issue criminal complaints and arrest warrant for **HERNANDEZ** and **BANEGAS**.

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15. Prior to being submitted to the Court, this affidavit, the accompanying complaint, and the arrest warrant were all reviewed by Assistant United States Attorney Kate Rochat. AUSA Rochat advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By phone pursuant to Fed R. Crim. P. 4.1
Special Agent Kenneth Bain
Drug Enforcement Administration

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 2:51 p.m. on March 19, 2025.



HONORABLE STACIE F. BECKERMAN
UNITED STATES MAGISTRATE JUDGE